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Docket No.: KCC-15463.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marcille Faye RUMAN
Kathleen Irene RATLIFF

Serial No.: 10/056,888

Group No.: 3761

Filing Date: 25 January 2002

Examiner: C. Anderson

Title: REFASTENABLE PULL-ON TRAINING
PANT WITH DIAGONAL SEAMS

customer no.: 35844

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Further to their Notice of Appeal of 12 January 2005, Applicants respectfully file this Appeal Brief in the above-identified application.

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1. REAL PARTY IN INTEREST

The real party in interest is Kimberly-Clark Worldwide, Inc., the assignee of the present application (as recorded at reel 012538, frame 0026).

2. RELATED APPEALS AND INTERFERENCES

There are no related prior or pending appeals, interferences or judicial proceedings known to Appellants, Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS

The application was originally filed with Claims 1-33. The Claims presently under consideration are 1-46. Claims 1-46 stand rejected. The rejection of all claims under consideration is appealed.

Claims 14, 15, 24, 25, and 33 were amended by Applicants' Amendment A, filed 14 October 2003, to expedite prosecution in response to §112 rejections. Claim 26 was amended by Applicants' Amendment A to further clarify the nature of the two piece structure of a side panel according to that Claim

Claims 34-46 were added by Applicants' Amendment A. Claim 34 was added in order to present the subject matter of Claim 13 as directly dependent from Claim 1 in independent form without the intervening subject matter of Claim 5. Claims 35-46 were added to more explicitly claim certain aspects of the present invention presenting distinct improvements over side panel fastening systems known in the art.

Claims 1 and 26 were amended by Applicants' Amendment B, filed 7 April 2004, to make clear that the entirety of the pant garment is disposable. Claims 35 and 38 were amended by Applicants' Amendment B to make clear that the side panels of the pant garment are made from elastomeric material rather than merely having elastic material applied thereto. Claims 41 and 42 were amended by Applicants' Amendment B to make clear that it is the distal edges of each of the front and back panels for each side of the garment which are not collinear.

4. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection of 12 July 2004.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 26 and 34 are independent. Embodiments thereof are described particularly within the specification at pages 14-18 and pages 24-32.

With reference especially to Fig. 2, Claim 1 defines a disposable pant garment **20**, comprising:

a garment chassis **32** having a front direction [as at front region **22**] and a back direction [as at back region **24**] ;

a front side-panel **34** and a back side-panel **134**, each extending from the same side of the garment chassis **32**;

the front side panel **34** and the back side panel **134** each having a waist end edge **72** and a leg end edge **70** and having a distal edge **68a**, **68b** extending from the leg end edge **70** to the waist end edge **72**,

such that when the garment **20** is laid out flat [as e.g., in Figs. 2, 3 and 7], each distal edge **68a**, **68b** of each side panel defines a vector [see especially Fig. 7 at **θ**]; extending from one of the waist end edge or the leg end edge **70** along the distal edge **68a**, **68b** of the side panel **34**, **134** towards the longitudinal axis [see **48** in Fig. 2 or see Fig. 7 at **126**] of the garment **20**, the vectors of the side panels **34**, **134** crossing the longitudinal axis [either of **48** in Fig. 2 or Fig. 7 at **126**] of the garment chassis **32** at congruent angles;

and wherein the entirety of the garment **20** is disposable [as defined in the specification at page 7, line 15 of the application, to wit: "Disposable" refers to articles which are designed to be discarded after a limited use rather than being laundered or otherwise restored for reuse].

Claim 26 further claims a disposable pant garment **20** [such as illustrated by Figs. 8 and 9], which has each limitation of Claim 1 but which further adds a specific limitation beyond the invention of Claim 1 that: "at least one of the front side panel **34** and the back side panel **234** being constructed from at least two pieces of material **236**, **238** bonded together **240** wherein one piece is proximal **236** to

the absorbent chassis 32 and another piece is distal 238 from the absorbent chassis 32.”

Claim 34 further claims a disposable pant garment 20 [such as illustrated by Figs. 8 and 9], which has each limitation of Claim 1 except for complete disposability, but which adds a specific limitation beyond the invention of Claim 1 that: “the side seam [e.g., 25 of Fig. 1] having a line of weakness [defined at page 9, line 9] between the front and back side panels.” [e.g., described at page 5, lines 1-10].

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim Rejections 35 USC § 102

Claims 1-6, 14-17, 26-33, 35, 38, and 41-46 stand rejected as anticipated by Wilson, US Patent 3,039,466 (hereinafter “Wilson”).

Claim Rejections 35 USC § 103

Claims 7-12 and 18-25 stand rejected as obvious over Wilson and further in view of Anderson, US Patent 5,062,839 (hereinafter “Anderson”).

Claims 13, 34, 36, 37, 39, and 40 stand rejected as obvious over Wilson and further in view of Ashton, US Patent 6,443,940; (hereinafter “Ashton”).

7. ARGUMENT

Claim Rejections 35 USC § 102

Claims 1-6, 14-17, 26-33, 35, 38, and 41-46

Claims 1-6, 14-17, 26-33, 35, 38, and 41-46 stand rejected as anticipated by Wilson. The Examiner contends that Wilson teaches all limitations of Independent claims 1 and 26.

Independent Claims 1 and 26 require the garment of the present invention to be disposable in its entirely. On its face, Wilson does not even teach a “disposable pant garment” as required by independent Claims 1 and 26 and thus cannot anticipate the present invention. The only part of Wilson which is designed to be disposable is the absorbent liner.

In response to Applicant’s observation that Wilson does not teach a “disposable pant garment” as required by Claims 1 and 26, the Examiner contends

that no structural differences between the claimed invention and the prior art stem from the limitation “the entirety of the garment is disposable” and that “The pant garment disclosed by Wilson is fully capable of being disposed of in its entirety.” (Detailed Action of 12 July 2004, at page 7, first paragraph).

However, it is apparent that the art recognizes what is disposable and is not disposable. Wilson itself refers to its removable liner or insert as disposable (e.g., at col. 1, line 20, line 26, and line 33) while its cover member 12 receives no such description of disposability. It is further submitted that there are readily apparent structural differences between disposable and nondisposable garments. Any person having ordinary skill in the art of making, using, or selling garments can readily distinguish when a garment is “disposable” by considering the materials used, the construction techniques employed, and the practical ability to accommodate reuse.

Further, the Examiner has ignored the definition of “disposable” set forth by Applicants in the specification and has applied a different and infinitely more expansive definition.

Per page 7, line 15 of the application:

“Disposable” refers to articles which are designed to be discarded after a limited use rather than being laundered or otherwise restored for reuse.

The cover member of Wilson is clearly intended to be restored for reuse by removal of a soiled disposable liner and insertion of a clean liner.

The Examiner’s applied definition includes any object which can be “disposed of in its entirety.” In this sense, an ocean going vessel may be “disposable” since it can be deliberately scuttled at sea to “dispose” of it, and yet no one would consider the ocean going vessel to be “disposable.” Clearly the Examiner has ignored the teachings of the specification and the cited art itself, and applied an unreasonable definition to the language of the Claims. It is therefore requested that the present rejections be overturned by the Board.

Claim 14

Claim 14 requires that the front and back panels be bonded to the garment chassis. The Examiner cites “bonding of panels” in Figures 19 and 21 in support of the rejection. (Detailed Action of 12 July 2004, at page 3, third paragraph).

The Examiner has defined Wilson to have “side panels” 22, 24, 28, and 30. (Detailed Action of 12 July 2004, at page 5, first paragraph). However, these “panels” are actually defined by Wilson as “side edge portions,” and are merely reinforcement tape folded over and riveted the chassis. In this instance the Examiner apparently contends that the folded over reinforcing tape 138 of Fig. 19 is the side panel bonded to the chassis, thereby meeting the limitations of Claim 14. Only through an impermissible hindsight reconstruction can the reinforced side edges (e.g., side edge 30a of Fig. 21) of a garment be equated to actual side panels of a disposable absorbent garment as understood in the art.

Responsive to Applicants’ observation with respect to Claim 14 that [any true] front and back panels of Wilson are not “bonded” to the chassis but are integral therewith, the Detailed Action’s response (Detailed Action of 12 July 2004, page 7, second paragraph) notes only that “applicant does not claim exact dimensions of these panels.” The Examiner’s strained interpretation of Wilson’s construction to meet the present claim language is clearly inconsistent with both their commonly understood meanings within the art and the teachings of the present specification.

Per MPEP § 2101.01, the PTO is to apply “to verbiage of the proposed claims the broadest reasonable meaning...taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant’s specification.” [emphasis added] from *In re Morris*, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

Proper interpretation of the claimed side panels precluding the reinforced side edges of Wilson, is supported in the specification, e.g., at page 29, line 22 wherein the panel portions 34, 134 are described as “extending from the chassis portion.” No reasonable interpretation of a side panel “extending from the chassis portion” could include the reinforced edge 30a (Fig. 21) of Wilson’s cover member 12. By Wilson’s own terms, 22, 24 28 and 32 (and variants thereof, e.g. 24a) are “edge portions” (see col. 5, line 21) or “side edge portions” (see col. 2, line 68) (emphasis added) constructed from a folder over reinforcing tape which does not extend from the chassis in any panel-like functional sense. Nowhere are these edges referred to by Wilson as “panels.” It is therefore requested that the present rejections be overturned by the Board.

Claims 26, 32, and 33

Claims 26, 32, and 33 each require at least one side panel be made from a proximal piece and a distal piece bonded together. Wilson does not show two piece side panels having proximal and distal portions.

In the Examiner-defined "side panels" 22, 24, 28, and 30 the reinforcing material 138 overlaps the cover member 12a. Such "side panels" consequently show no one portion which can clearly be said to be the more proximal piece or the more distal piece of the "side panels." It is therefore requested that the present rejections be overturned by the Board.

Claims 35 and 38

Claims 35 and 38 each require that the side panel materials have elastomeric properties. Wilson merely teaches a folding over or reinforcement of the chassis material in selected cuff and waist areas with an elastic strip encased therein, rather than having a side panel made from elastomeric materials as required in the Claims.

The Examiner first concedes that "Wilson discloses all aspects of the claimed invention with the exception of the front and back side panels being elastomeric." (Detailed Action of 12 July 2004, page 6, paragraph 5).

Inexplicably, the Examiner then contends that the "materials disclosed by Wilson as the reinforcement strip and elastic strip are fully capable of functioning as two-piece-panels and an elastomeric [sic] side panels, respectively." (Detailed Action of 12 July 2004, page 7, second paragraph) Applicants most respectfully disagree. Wilson refers to elastic materials only with respect to its top edge portion 21 and arcuate crotch portions 32, 34 and not with respect to the Examiner-defined "side panels" 22, 24, 28, and 30. The Examiner-defined "side panels" receive only reinforcement tape 138 which is not taught as elastic. Thus Wilson provides no teaching of a "side panel" with elastomeric properties per the present Claims. It is therefore requested that the present rejections be overturned by the Board.

Claims 41 and 42

Claims 41 and 42 require that distal edges of the side panels on the left and right sides are not collinear. Wilson does not show that the distal edges of the side panels for each side of the garment are not collinear as recited in the Claims.

The Examiner contends that the distal edges of one side, the left side, of the garment shown by Wilson in Fig. 4 are shown to be not collinear. (Detailed Action of 12 July 2004, page 7, third paragraph). Applicants, believe that the edges in Fig. 4 are so close to collinear as to be un-noticeable in their non-collinearity by the person having ordinary skill in the art (unless one has the present invention firmly in mind). Also, the right side distal edges of Fig. 4 are collinear.

It is *prima facie* apparent that, with full knowledge of the present invention, the Detailed Action has taken what is likely nothing more than a draftsperson's casual work product or a printing distortion and elevated it to a teaching anticipating the present invention. Wilson does not suggest anywhere else in its specification that its edges should not be collinear. Nor is there a rational explanation offered by the Detailed Action as to why only one side of the presumably symmetrical garment's distal edges should not be collinear. When considering the teachings of the reference as a whole, it is clear that there is no teaching of the present limitation by Wilson, but only an impermissible *post hoc* elevation of a drawing aberration to an anticipatory teaching. It is therefore requested that the present rejections be overturned by the Board.

Claims 43 and 44

Claims 43 and 44 require refastenable fastening surfaces integral with a surface of a side panel. Wilson merely teaches the riveting of snaps into the chassis material rather than the fastening components being integral with a surface of a side panel as claimed.

The Detailed Action of 12 July 2004 has responded (fourth paragraph at page 7 of the Detailed Action) that "the snaps are attached to the chassis such that they are then formed as a unit, or integral to each other."

It is clear that the Examiner has ignored the definition of "integral" set forth by Applicants in the specification and has applied a specious *post hoc* definition of "integral" with knowledge of the present invention firmly in mind.

Per page 9, line 4 of the application:

"Integral" or "integrally" is used to refer to various portions of a single unitary element rather than separate structures bonded to or placed with or placed near one another.

Given the Applicants' definition, no reasonable person having ordinary skill in the art would construe the mechanically assembled riveted fasteners and cover member material of Wilson as being integral. It is therefore requested that the present rejections be overturned by the Board.

Claim Rejections 35 USC § 103

Claims 7-12 and 18-25 stand rejected as obvious over Wilson and further in view of Anderson.

Claims 9, 10, 20 and 21

Claims 9, 10, 20 and 21 require specific arrangement of the loop and hook fastener portions. Applicants have noted with respect to Claims 9, 10, 20, and 21, and the Examiner has conceded, that Anderson is silent as to the exact arrangement of its hook and loop fasteners. However, the Examiner has deemed the claimed arrangement of Claims 9, 10, 20 and 21 to be "obvious matters of design choice ... as the applicant has not shown that such a placement serves any particular purpose or solves any specific problem." (Detailed Action of 12 July 2004, page 5, paragraph 3).

Extensive discussion in the specification, e.g., pages 2-5 and 15-16, makes clear that the exemplary and claimed embodiments of the invention are designed to solve specific problems by providing specifically enhanced functionalities through the claimed arrangement of parts. Within the claimed arrangements the softer "loop" side of a complementary fastener would face the wearer's skin in the event of fastener misalignment, while in the opposite arrangement, the more resilient hook members would face the wearer's skin in the event of fastener misalignment and be much more likely to cause irritation to the wearer. Thus, Applicants have shown that the claimed arrangements solve particular problems and further, are not obvious matters of substitution for parts of equivalent functionality, such as a screw and nail, to which such a rejection might properly be applied. It is therefore requested that the present rejections be overturned by the Board.

Claim 24

Claim 24, like Claim 14 (*supra.*), requires that side panels be bonded to the chassis. Applicants incorporate herein their above remarks with respect to

Claim 14 as equally applicable to Claim 24. It is therefore requested that the present rejections be overturned by the Board.

Claims 13, 34, 36, 37, 39, and 40 stand rejected as obvious over Wilson in view of Ashton.

Claims 13 and 34

Claims 13 and 34 require a line of weakness within a side seam. Applicants again note that the nondisposable chassis construction of Wilson would neither accommodate nor have any need of the claimed line of weakness. Especially with respect to the Examiner-defined "side panels" 22, 24, 28, and 30, it is believed that the reinforced nature of such a "side panel" would preclude any suggestion of providing a line of weakness within the Examiner-defined "side panels" to one of ordinary skill in the art. Therefore Wilson and Ashton provide no motivation for such a combination. Such motivation comes entirely from the Examiner. It is therefore requested that the present rejections be overturned by the Board.

Claims 36, 37, 39 and 40

Claims 36, 37, 39 and 40 require elastomeric side panels in various specific configurations. The Examiner first concedes that Wilson teaches all aspects of the claimed invention except use of. The Examiner then contends elastomeric side panel material can be suggested by Ashton (see Detailed Action of 7/12/04, page 6, paragraphs 5-6). It is first noted that this statement is inconsistent with the Examiner's remarks at page 7 second paragraph, where it is asserted that Wilson's "side panels" can function elastomerically. A requested clarification of this inconsistency was never provided to Applicants.

Wilson's cover member, a nondisposable one piece chassis construction, does not suggest accommodation for, or need for, the claimed elastomeric side panels. Wilson, being a nondisposable one piece chassis construction, would have to be totally reconstructed to accommodate the claimed elastomeric side panels. Neither of Wilson or Ashton provide motivation for such a reconstruction of the basis of construction of Wilson. Neither of Wilson or Ashton provide a suggestion to the person of ordinary skill in the art for the construction of a hybridized garment on the basis of their teachings. Only with impermissible hindsight having the present invention firmly in mind would such a combination of a

permanent chassis of Wilson and the nonpermanent chassis of Ashton be suggested to the person having ordinary skill in the art. The vague motivation of improvement, which comes solely from the Examiner, does not rise to the level of a *prima facie* suggestion to combine the disparate construction techniques of the two references. It is therefore requested that the present rejections be overturned by the Board.

Conclusion

Per Applicants' above discussion, a reasonable interpretation of the invention as a whole¹ as set forth in the present Claims, and as informed by the specification of the application, has not been made in applying the present rejections. Reasonable interpretations of Wilson's teachings and of the present invention as a whole, and a proper comparison between the two, would not sustain the present rejections.

The Examiner has apparently found one point of agreement between Wilson and the present invention, i.e., an angle of the side panels, in making the rejections. The Examiner has then impermissibly used the present claims as a template² to improperly attribute numerous teachings to the cited art against individual limitations, rather than viewing the present invention (and the cited references) as a whole. The actual teachings of the cited art do not reasonably teach or suggest the present invention as a whole.³

In light of all the foregoing discussion, it is requested that all of the present rejections be overturned by the Board.

¹ It is well established that the invention must be considered as a whole. See e.g., *Lear Siegler, Inc. v Aeroquip Corp.*, 221 USPQ 1025, (Fed. Cir. 1984).

² The principle of not using the claimed invention as an instruction manual or template to deprecate the claimed invention is well established. See, e.g., *In re Fritch*, 23 USPQ 2d 1780 (Fed. Cir. 1992).

³ It is also well established that the teachings must stem from the prior art (and not arise *post hoc* from the reader of the claims). See e.g., *In re Geiger*, 2 USPQ 2d 1276 (Fed. Cir. 1987).

8. CLAIMS APPENDIX

An appendix containing a copy of the claims involved in the appeal, with the parenthetical status indicators as contained in Applicants' Request for Reconsideration of the final Office Action, as filed 13 September 2004, is attached hereto.

9. EVIDENCE APPENDIX

Not applicable.

10. RELATED PROCEEDING APPENDIX

Not applicable.

For all the foregoing reasons it is respectfully requested that the Board rule in Applicants' favor and overturn all outstanding rejections.

Favorable consideration is requested.

Respectfully submitted,



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APPENDIX OF THE CLAIMS

1. (previously presented) A disposable pant garment, comprising:
a garment chassis having a front direction and a back direction;
a front side-panel and a back side-panel, each extending from the same
side of the garment chassis;

the front side panel and the back side panel each having a waist end
edge and a leg end edge and having a distal edge extending from the leg end edge to
the waist end edge,

such that when the garment is laid out flat, each distal edge of each
side panel defines a vector extending from one of the waist end edge or the leg end
edge along the distal edge of the side panel towards the longitudinal axis of the
garment, the vectors of the side panels crossing the longitudinal axis of the garment
chassis at congruent angles;

and wherein the entirety of the garment is disposable.

2. (original) The disposable pant garment according to Claim 1,
wherein: the angles defined by the front and back side panel distal edges are acute
angles.

3. (original) The disposable pant garment of Claim 1, wherein:
when the garment is laid out flat, the distal edge of the front side panel
defining a vector extending from the leg end edge of the front side panel towards the
waist end edge of the front side panel,

the distal edge of the back side panel defining a vector extending from
the waist end edge of the back side panel towards the leg end edge of the back side
panel.

4. (original) The disposable pant garment according to Claim 1,
wherein: the front and back side panels are engagable at areas proximal their distal
edges to create a side seam for the garment, the side seam having a first terminus at a

waist opening of the garment and extending diagonally along a side portion of the garment so as to extend across the side portion to a second terminus at a leg opening of the garment.

5. (original) The disposable pant garment according to Claim 4, wherein: the front and back side panels are releasably engagable to create the side seam.

6. (original) The disposable pant garment according to Claim 5, wherein: the front and back side panels have refastenable fastening components disposed thereon.

7. (original) The disposable pant garment according to Claim 6, wherein: the fastening components include hook and loop fasteners.

8. (original) The disposable pant garment according to Claim 7, wherein: the hook and loop fasteners comprise strips of hook material and strips of loop material fastened to the side panels parallel and adjacent to the distal edges of the side panels.

9. (original) The disposable pant garment according to Claim 8, wherein: the back side panel has a loop fastener.

10. (original) The disposable pant garment according to Claim 8, wherein: the front side panel has a hook fastener.

11. (original) The disposable pant garment according to Claim 8, wherein: the hook fastener extends from a first surface of the garment.

12. (original) The disposable pant garment according to Claim 11, wherein: the loop fastener extends from a second surface of the garment opposite the first surface.

13. (original) The disposable pant garment according to Claim 5, wherein: the side seam has a line of weakness between front and back side panels.

14. (previously presented) The disposable pant garment according to Claim 1, wherein: the front and back side panels are bonded to the garment chassis.

15. (previously presented) The disposable pant garment according to Claim 1, wherein: the front and back side panels are integral to the garment chassis.

16. (original) The disposable pant garment according to Claim 3, wherein: the angles defined by the front and back side panel edges are acute angles.

17. (original) The disposable pant garment according to Claim 16, wherein: the front and back side panels have refastenable fastening components disposed thereon.

18. (original) The disposable pant garment according to Claim 17, wherein: the fastening components include hook and loop fasteners.

19. (original) The disposable pant garment according to Claim 18, wherein: the hook and loop fasteners comprise strips of the hook and loop material fastened proximal to and parallel with the distal edges of the side panels.

20. (original) The disposable pant garment according to Claim 19, wherein: the back side panel has a loop fastener.

21. (original) The disposable pant garment according to Claim 20, wherein: the front side panel has a hook fastener.

22. (original) The disposable pant garment according to Claim 21, wherein: the hook fastener extends from a first surface of the garment.

23. (original) The disposable pant garment according to Claim 22, wherein: the loop fastener extends from a second surface of the garment.

24. (previously presented) The disposable pant garment according to Claim 23, wherein: the front and back side panels are bonded to the garment chassis.

25. (previously presented) The disposable pant garment according to Claim 23, wherein: the front and back side panels are integral to the garment chassis.

26. (previously presented) A disposable pant garment, comprising:
a garment chassis having a front direction and a back direction;
a front side-panel and a back side-panel, each extending from the same side of the garment chassis;

the front side panel and the back side panel each having a waist end edge and a leg end edge and having a distal edge extending from the leg end edge to the waist end edge;

such that when the garment is laid out flat, each distal edge of each side panel defines a vector extending from one of the waist end edge or the leg end edge along the distal edge of the side panel towards the longitudinal axis of the garment, the vectors of the side panels crossing the longitudinal axis of the garment chassis at congruent angles; and

at least one of the front side panel and the back side panel being constructed from at least two pieces of material bonded together wherein one piece is proximal to the absorbent chassis and another piece is distal from the absorbent chassis;

wherein the entirety of the garment is disposable.

27. (original) The disposable pant garment according to Claim 26, wherein: the angles defined by the front and back side panel distal edges are acute angles.

28. (original) The disposable pant garment of Claim 26, wherein:
when the garment is laid out flat, the distal edge of the front side panel
defining a vector extending from the leg end edge of the front side panel towards the
waist end edge of the front side panel;

the distal edge of the back side panel defining a vector extending from
the waist end edge of the back side panel towards the leg end edge of the back side
panel.

29. (original) The disposable pant garment according to Claim 26,
wherein: the front and back side panels are engagable at areas proximal their distal
edges to create a side seam for the garment;

the side seam having a first terminus at a waist opening of the garment
and extending diagonally along a side portion of the garment so as to extend across
the side portion to a second terminus at a leg opening of the garment.

30. (original) The disposable pant garment according to Claim 29,
wherein: the front and back side panels are releasably engagable to create the side
seam.

31. (original) The disposable pant garment according to Claim 30,
wherein: the front and back side panels have refastenable fastening components
disposed thereon.

32. (original) The disposable pant garment according to Claim 26,
wherein: the back side panel is constructed from at least two pieces of material
permanently bonded together.

33. (previously presented) The disposable pant garment according
to Claim 26, wherein one of the front side panel and the back side panel consists of
two members, the members including a first member having the attachment
component distal from the garment chassis and a second member proximal the

garment chassis and permanently bonded thereto, the two members being bonded together.

34. (previously presented) A disposable pant garment, comprising:
a garment chassis having a front direction and a back direction;
a front side-panel and a back side-panel, each extending from the same
side of the garment chassis;

the front side panel and the back side panel each having a waist end
edge and a leg end edge and having a distal edge extending from the leg end edge to
the waist end edge,

such that when the garment is laid out flat, each distal edge of each
side panel defines a vector extending from one of the waist end edge or the leg end
edge along the distal edge of the side panel towards the longitudinal axis of the
garment, the vectors of the side panels crossing the longitudinal axis of the garment
chassis at congruent angles; and

the side seam having a line of weakness between the front and back
side panels.

35. (previously presented) The disposable pant garment according
to Claim 1, wherein: the front side panel and back side panel materials have
elastomeric properties.

36. (previously presented) The disposable pant garment according
to Claim 35, wherein: the front side panel and back side panel are elastomeric in a
direction transverse to the longitudinal axis of the garment.

37. (previously presented) The disposable pant garment according
to Claim 35, wherein: the front side panel and back side panel are elastomeric from
the waist end edge to leg end edge.

38. (previously presented) The disposable pant garment according to Claim 26, wherein: the front side panel and back side panel materials have elastomeric properties.

39. (previously presented) The disposable pant garment according to Claim 35, wherein: the front side panel and back side panel are elastomeric in a direction transverse to the longitudinal axis of the garment.

40. (previously presented) The disposable pant garment according to Claim 35, wherein: the front side panel and back side panel are elastomeric from the waist end edge to leg end edge.

41. (previously presented) The disposable pant garment according to Claim 1, wherein: the front side panel and back side panel distal edges for each of a left and right side of the garment are not collinear.

42. (previously presented) The disposable pant garment according to Claim 26, wherein: the front side panel and back side panel distal edges for each of a left and right side of the garment are not collinear.

43. (previously presented) The disposable pant garment according to Claim 6, wherein: at least one of the refastenable fastening components is integral with a surface of a side panel.

44. (previously presented) The disposable pant garment according to Claim 31, wherein: at least one of the refastenable fastening components is integral with a surface of a side panel.

45. (previously presented) The disposable pant garment according to Claim 6, wherein: the garment is fastenable by overlapping the back side panel over the front side panel.

46. (previously presented) The disposable pant garment according to Claim 31, wherein: the garment is fastenable by overlapping the back side panel over the front side panel.